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Constitutional Cour
on CPSU Legality

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SUPPLEMENT
Constitutional Court on CPSU Legality

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Hearings Previewed

Court Proceedings on Ban Chronicled

924C1870B Moscow ROSSIYSKAYA GAZETA in Russian 8 Jul 92 p 2

[Article by ROSSIYSKAYA GAZETA observer Inna Muravyeva: "The Proceedings of the Century Began on 7 July"]

[Text] Precisely that—the proceedings of the century—is what many of the mass media called the hearings on the "CPSU case" in the Constitutional Court of the Russian Federation, which began on 7 June 1992 at exactly 1000 hours.

The black robes of the judges that were especially made in the Moscow Patriarchy, the presence of the bailiff attentively making sure there was order in the court, a certain keen concentration on the part of the parties—all of this emphasized that we were indeed attending one of the most important events of the 20th Century—the end of the era of communism.

Anticipating possible questions, the court stated at the very outset that Gorbachev's presence was not mandatory.

The petitioning party (recall that this is a group of people's deputies of the Russian Federation who made a demand for verification of the constitutionality of the ukases of the president of the Russian Federation concerning the Communist Party, among these were Bokov, Bratishchev, Zorkaltsev, Rybkin, Slobodkin, Sezastyanov, and others) spent a long time defining the "team" from the CPSU. They suggested including among supporters present at the proceedings, communist leaders who were well known in the recent past: Kalashnikov, Dzyuganov, and Melnikov.

Russian Federation Deputy Yuriy Slobodkin unexpectedly suggested: "President Yeltsin was in the thick of things. The Constitutional Court should take measures to ensure Yeltsin's appearance."

Chairman of the Constitutional Court Valeriy Zorkin asked a reasonable question: "In which capacity would you like to see Yeltsin?" Yuriy Maksimovich, after a brief pause, answered: "Well...either as a witness or at least as the party defending his ukases." The chairman of the Constitutional Court reminded the people that the question of calling witnesses would be decided during the time allotted for that.

At 1035 the opening statements of the parties ended. Then the floor was turned over to the reporting judges Luchin and Kononov.

The statement of Anatoliy Kononov, who discussed the documentary preparation for the trial, the six volumes of materials from the Russian Federation Procuracy and coded documents; documents on relations between party and law enforcement organs; documents disclosing the foundations of relations between the party and executive powers; documents pertaining to control of the mass media—these evoked a stormy reaction from the petitioning party. Attorney Ivanov stated in a fairly irritated tone: "We are not familiar with such a quantity of documents." Here for some reason he was confused about the fact that not one reporting judge but two would be speaking. Zorkin had to be reminded: "Change the profile and focus of your speech," that as for the essence of attorney Ivanov's statement, the chairman of the Constitutional Court said that the petitioning party did not have the right to dictate to the court whom it can address and which documents may be subpoenaed.

Then the parties debated for a while on the procedure for hearing the parties' representatives, after which the decision made by the Constitutional Court remained in force.

By the first recess the parties stated that they were "completely clear" about the procedure.

The first to speak from the petitioning side, from the group of people's deputies, was V. Zorkaltsev.

"We had two paths: either confrontation or the constitutional path. We chose the latter," said the speaker.

V. Zorkaltsev's words that "the president's ukases illegally intruded into the fates of millions of citizens," whereas "...the party served the interests of the working people, and not over a half century but over five years raised the country to the ranks of the great powers..."—these sounded fairly stilted. Moreover, "the CPSU was the sponsor of the multiparty system, the midwife of Democratic Russia."

Following V. Zorkaltsev before the first recess representatives of the petitioning side spoke: Veshnyakov, Bogolyubov, and Kurashvili. Their speeches developed according to a fairly boring scenario. Professor Boris Kurashvili was completely unable to limit his speech to the topic assigned to him. The chairman of the Constitutional Court had to direct the speaker into the channels planned by the representatives of the petitioning parties themselves. But here Deputy Stepanov spoke and tried to create the atmosphere which is frequently created by representatives of the Russian Unity bloc in parliament.

During the first recess we managed to speak with a couple of well known people attending the proceedings. When asked what he thought of the beginning of the speeches of the representatives of the petitioning side, Yegor Ligachev, former secretary of the CPSU Central Committee, responded: "Well...it is natural for them to repeat themselves. But the points they make are convincing, the points about the unconstitutionality of the president's ukases. That was clear to me before the proceedings. I think that Zorkaltsev spoke very well. Kurashvili?... He himself was not very satisfied. But the proceedings are going on and there are speeches."

When asked how long the trial would last in his opinion, Yegor Kuzmich answered: "Oh, I do not know. I have been wondering that myself. Because I am planning a

trip to Japan in the near future, to a very important international conference, and therefore I would not like for these proceedings to last too long. It would be good if they did not take longer than a couple of days."

Russian Federation People's Deputy Anatoliy Shabad, answering questions about his first impressions of the speeches of the petitioning side, noted: "The petitioning side is doing very poorly so far. It is the wrong level. And what surprises me is that they put on such a figure as Kurashvili, and he is a first-rate lawyer. Although the position of the petitioning side is indeed difficult, in my view, they have not found all the arguments they could find. The jurists with scholarly degrees who spoke after Zorkaltsev did not fulfill their task, including Boris Pavlovich Kurashvili whom I deeply respect."

After the recess at 1600 hours the representatives of the petitioning side continued their speeches.

Legal Status of Decree on Property

924C1870A Moscow ROSSIYSKAYA GAZETA in Russian 8 Jul 92 p 1

[ITAR-TASS report by Lyudmila Yermakova for ROSSIYSKAYA GAZETA: "The Matter of the CPSU From the Legal Standpoint"]

[Text] Among the president's ukases whose constitutionality the Constitutional Court began to verify on 7 July is the ukase on CPSU property. It was subjected to less analysis during the exchange of arguments before the session, supposedly because of its juridical simplicity. Yet this act shows how "difficult it is to resolve legal questions,"—that is the way it was put by Moscow Juridical Institute Professor Yekaterina Kozlova.

Defenders of the CPSU have said repeatedly: "If the Constitutional Court upholds the law to the letter it will override the president's ukases." Commenting on this statement, an independent jurist asked, in turn: "But does the letter tell us everything, and is it easy to compose from them the actual word which the Constitutional Court should utter? And is it possible to use letters if they are from a different alphabet from the one in which the text was written?"

If one looks at the situation from the standpoint of the initiators of the petition, who assert that the legal statutes applicable to all social associations should apply to the CPSU, one must determine first of all whether the law of the Russian Federation allows compulsory alienation of the property of a social association in favor of the state. Yes, it does, Kozlova is convinced, although "the legal grounds for this are not very simple." The republic Statute on Voluntary Societies and Unions of 1932, which was in force until 18 December 1991, envisioned the liquidation of a society or union with the transfer of the property to the state. But it also includes the proviso that such unions do not include a "union of like-thinkers."

The Law on Property in the Russian Federation also contains norms which speak of the possibility of alienation of property by the state. In connection with the possibility, which is allowed in principle, of confiscating property under certain conditions, all references of the authors of the petition to the idea that "Articles 10 and 49 of the Constitution are violated" are suspended in mid-air.

It establishes that the Supreme Soviet determines the legal status of republic social organizations. The Supreme Soviet of the Russian Federation has not yet adopted laws either on parties or on social associations, the jurist noted. Where is the answer to the question; which organ can make the decision to confiscate party property? According to the 1932 statute, the executive organ may do this. According to the USSR Law on Social Associations—it is the court. According to the Law on Property, the right to ownership is protected by the court. Property may also be confiscated by the executive organ, in which case the owner may dispute this decision in court. The CPSU, Kozlova reminded us, did not appeal the ukase on the confiscation of its property in court.

The president's ukases have not been disputed by either the Congress of People's Deputies or the Supreme Soviet. The ukase was necessary for the protection of the property of the Russian Federation since the halting of the activity of the RSFSR Communist Party and a couple of days later—by a decision of the Supreme Soviet—the entire CPSU, and the disbandment of the CPSU Central Committee led to a situation where, on the one hand, the property became ownerless and, on the other, the remaining functionaries were able to "hide it quickly and thoroughly," said Kozlova.

In her opinion it is necessary to subject many provisions of the Constitution to a careful analysis. The juridical interpretation of the question of the effect of various laws and the content of their individual points varies and therefore it is not surprising that there should be such a diversity of opinions among lawyers. "Young Russia's legal system is imperfect. There are clearly not enough laws," thinks the professor. It would be expedient to "fill the legal gaps instead of being drawn into prolonged, extremely costly procedure demanding a large number of specialists" in the Constitutional Court.

While having the external attributes of a social association, the CPSU was one in name only, says Kozlova. It is typical that during the period of its dominance the party never allowed itself to be equated with social associations. Therefore its property should not be handled the same as the property of a social association. This is a unique legal situation in which "the form diverges so sharply from the content that it can no longer be considered significant on the legal plane." In analyzing the constitutionality of the president's ukases the court can hardly fail to pay attention to these essential factors, the jurist assumed. For the blindfold over the eyes of the goddess of justice Themis symbolizes her impartiality. But by no means blindness.

Proceedings Detailed

Highlights From 8 Jul Session Reported

924C1888C Moscow ROSSIYSKAYA GAZETA in Russian 9 Jul 92 p 1

[Article by ROSSIYSKAYA GAZETA commentator Inna Muravyeva: "They Did Not Participate in the Putsch; They Did Not Convene the Congress"]

[Text] The second day of the Constitutional Court session started with consideration of a request passed to the chairman of the Court, Valeriy Zorkin, by the members of the "secretariat of the newly elected" 29th CPSU Congress, V. Sidorov, S. Skvortsov, and A. Azizov. They demanded to be admitted to the courtroom instead of those present there, CPSU representatives V. Ivashko and V. Kuptsov.

After a brief consultation, the judges decided that the demand did not have legitimate grounds: On 26 May a decision was made that identified the people who were holding certain positions at the time the decrees were issued, and that these were the people who should represent the side in this hearing.

The opinions of opposing sides were in accord with the judges' decision. V. Ivashko categorically stated: "There was no 29th CPSU Congress."

Then the testimony of the plaintiff's representatives continued. The first to take the floor was Russian People's Deputy Bokov. He especially emphasized: The president's decree of 23 August contains false, improper assumptions.... "There is no proof," he said, "that the CPSU had supported the GKChP [State Committee on the State of Emergency]." "After all, neither the plenum nor the congress of the CPSU had made any statements in support of the GKChP," was the speaker's argument.

Doctor of History, Professor Fan Khangeldyyev, devoted his testimony to the president's decree from the angle of applying sanctions.

Speaking to the court, he especially emphasized that the principle of collective responsibility should not be considered.

Still, this testimony was different from that of 8 July. Constitutional Court Chairman V. Zorkin, while apologizing for making comments, praised it: "From the point of view of judicial process, Professor Khangeldyyev's testimony should provide food for positive thought on the plaintiff's side."

Yes, one could feel that the defenders of the CPSU have decided to replace yesterday's emotions and occasional outbursts with a moderate tone and attempts to back their petition with legal arguments.

Nevertheless, the speech by General (Ret.) Tarasov, coordinator of the Otchizna [motherland] parliamentary faction, once again exploited the familiar tone of yesterday. He recalled, for example, how he made his first sky-diving jump:

"Yes, I was scared. But I told myself, 'You are a communist!'—and jumped."

Supporters of cosmonaut Sevastyanov rewarded his testimony with applause. Vitaliy Ivanovich delivered a truly fiery speech on the achievement of Soviet science, technology, and space exploration during the past 40 years—with the exception of the very last four years.

The statement in Professor Martemyanov's testimony that member dues had been the main source of the party financing, and that in 1981 through 1990 alone, R12.4 billion were collected through the dues paid by 19 million communists prompted many questions to the plaintiff side.

At 1130, when its representatives finished their testimony, a question and answer period started. Until the recess, questions to the plaintiff side were posed by judges, as well by Attorney Makarov and Russian Deputy Bezrukov, who represented the opposing side.

Attorney Makarov had about 20 questions, which, he emphasized, were meant only to clarify the testimony of the plaintiff side. Among them was this question: "Did not Article Six of the USSR Constitution on the leading role of the party contradict Article Two of the Constitution that vests supreme power with the people?" The plaintiff side's answer was eminently concise: "The people gave the party this right."

"I would never have dared raise these questions had they not come through this way in Zorkaltsev's speech," continued Andrey Makarov. "There was a dramatic period of Stalinism in the 1930's, the suppression of dissent in the 1970's, and the apostasy of the party elite during the latest period. I am asking for clarification: Does this include all the negative points in the activities of the organization, whose constitutionality is being probed in the present hearing, or are there some others?"

"This sentence was considered necessary and sufficient in order to substantiate the point on the subject under examination," Zorkaltsev answered.

The second day of hearings showed that they are entering a new stage where pathos, emotional charge, and combative speeches are clearly becoming insufficient for the plaintiff side.

Court Authority To Judge CPSU Status Raised

924C1888D Moscow ROSSIYSKAYA GAZETA in Russian 10 Jul 92 p 1

[Article by ROSSIYSKAYA GAZETA commentator Inna Muravyeva under the rubric "The Matter of the CPSU": "The Argument of Who Loves the Constitution More"]

[Text] "At the end of 1991 preparations were being made for an intraparty coup." Sergey Shakhray repeated this statement yesterday in answering a question at the Constitutional Court hearings.

Speaking in the courtroom the day before, on 8 June, the representative of the president said that at the July plenum of the CPSU Central Committee in 1991 "a scenario was played out on the eve of the Extraordinary Congress of the CPSU." Its purpose was to "replace the general secretary of the CPSU Central Committee and leave in power the old composition of the Central Committee."

The morning session of the Constitutional Court on 9 July picked up where the evening session "left off." For an hour and a half the president's representative, Sergey Shakhray, answered questions, of which he was asked many.

Appraising the performance of the president's representative and his answers to the questions, Russian People's Deputy Vladimir Lysenko said: "I listened attentively and I believe that Shakhray's speech was serious and well-argued. He presented documents which proved convincingly the unconstitutionality of the CPSU's existence. That this structure had been the basis, the heart of the state that existed here for more than 70 years is proved in these documents seriously and substantively, in my opinion.

"While the issue of the president's decrees by themselves does seem quite arguable to me and will probably be discussed during the entire length of the hearings, the question that the party itself was an unconstitutional organization and was a de facto state organization...this position is very solid and I doubt that the opposing side will be able to shake it."

Vladimir Nikolayevich and I had barely finished this conversation when the first attempt to shake this solid position was launched.

Attorney Kligman, representing in court the interests of Vladimir Ivashko, former deputy general secretary of the CPSU Central Committee, made a statement to the effect that the Constitutional Court could not initiate proceedings on the petition regarding the unconstitutionality of the CPSU. Kligman said that there are no legal grounds for it since no material or due process norms are needed to order to rule on this case. Two petitions cannot be combined, attorney Kligman warned.

In his lengthy statement, he painted a rather frightening picture of what may happen if the court establishes the fact of the CPSU's unconstitutionality.

The judges, having asked the speaker some questions, asked for comments on this from the representatives of the opposing sides.

Professor Martemyanov, who spoke first, said that the plaintiff's side supports Attorney Kligman's statement. Then he turned to Oleg Rumyantsev: "Esteemed Deputy Rumyantsev! I would like to appeal to your conscience.... Do not force the events...." Professor Martemyanov asked Oleg Germanovich to withdraw his petition on probing the unconstitutionality of the CPSU. He warned: What if tomorrow your party finds itself in the opposition shoes...?

Neither Rumyantsev, however, nor Deputy Kotenkov, who as a member of a group of deputies supported Rumyantsev's petition, have any intention of withdrawing it. They informed the court of this.

The members of the Constitutional Court announced an early recess and withdrew to their chambers.

This is what a jurist, Professor Boris Pugachev, said in an interview with ROSSIYSKAYA GAZETA: "The request to separate the sides' petitions is an attempt to derail the consideration of the case on substance and to remove it willi-nilly from the analysis of the entire anticonstitutional and criminal practice that was typical of the actions of the party's supreme leadership. There are no grounds to revise the Constitutional Court's decision on combining the petitions. I am convinced that the process will go on."

Zorkaltsev, Others Address Court Hearings

924C1888A Moscow SOVETSKAYA ROSSIYA in Russian 9 Jul 92 p 3

[Speech by Viktor Zorkaltsev and extracts from speeches by Sergey Bogolyubov and Dmitriy Stepanov at the Constitutional Court CPSU hearings, date not given; from "Notes on the Constitutional Court Session": "Proceeding From Duty and Honor"; subtitled "A Test for the Third Power"]

[Text] **Russian Federation People's Deputy Viktor Zorkaltsev**

High Court!

Esteemed Chairman!

More than a month has passed since the first session of the Constitutional Court. Those were days of hard work and grim thoughts. Time bore out, however, the correctness of the position we have presented in our brief statement at that session.

As before, we believe it to be illogical and not right to combine two petitions on different subjects, and to consider them in the absence of a legal mechanism needed to resolve the issue of the constitutionality of the party, as well as unfounded delays in the long prepared "case" on probing the constitutionality of the president's decrees.

Nevertheless, today we have returned here with a deep faith in the Constitutional Court. It is this faith in the high mission of the Constitutional Court, its competency

and its ability to arrive at objective nonpartisan decisions that prompted us, a group of people's deputies, in expressing the will of broad ranks of the Russian public, to take the initiative to appeal to you with this petition. We would like to believe that the doubts that crept up during the first session of the Constitutional Court will be dispelled today.

What has prompted our doubts and concerns? Not only the shortcomings of the 26 May session, but also the Constitutional Court's inadequate reaction to the serious pressure that was being brought upon it in numerous proclamations by the president and his representatives, who in essence were already predetermining the outcome of the case hearing. It is our deep-seated conviction that a sovereign court would not have failed to react to the way it was recommended to it to "wrap it up" "in 40 minutes," "between life and death."

We had two options: to start an open confrontation with the highest official of the state, or to choose a constitutional road. We chose the latter. During the 10 months that have passed since then we have not given anyone any grounds to doubt it.

I want to especially emphasize that the petition to the Constitutional Court does not represent a fight with the president; it is a fight for the purity of presidential power, a desire to correct a mistake already committed that is rife with very serious social consequences.

Our goals are obvious. Nevertheless, we are being accused of absolutely absurd pursuits: to bring about the impeachment of the president; organizing new plots; takeover of power; and similar bizarre ideas.

We understand, of course, that without convincing counteragruments to our petition, the opponents are forced to resort to all kinds of conjectures and lies. Well, it happens. But we categorically object to such slander, to vulgar interpretations of our position....

The petition to the Constitutional Court to probe the constitutionality of the decrees of the president of the Russian Federation "On Suspension of the Activities of the Communist Party of the RSFSR" of 23 August 1991, "On the Property of the CPSU and of the Communist Party of the RSFSR" of 25 August 1991, and "On the Activities of the CPSU and the CP RSFSR" of 6 November 1991 is necessitated by the fact that their content runs counter to the principle of separation of powers established in the Russian Federation and recorded in its Constitution, and the division of prerogatives between the supreme bodies of state authority and administration.

We believe that the content of the president's decree intervenes in the sphere of both legislative and judicial powers.

The subject under examination is of extreme importance because in our state the activities of the largest party in the country are suspended—in essence, banned—and its property confiscated. The supreme leader of the country openly has ignored the Constitution that does not give him the right to decide on such matters; he has exceeded his competence, his powers.

The party that is banned is the party that over a long period in history served the interests of the working people; in whose program the task of protecting the people has always been a priority, the center of attention.

The party that is banned is the party that consolidated the society and aroused it to the battle against the fascism, thus ensuring the victory in the Great Patriotic War and sustaining, together with the people, irreplaceable human losses.

No one in the world can refute the obvious fact that in a matter of only 70 years, 20 of which have been spent fending off the military aggression of world capital and overcoming dislocation, our country has made it to second place in the world, and first in Europe, by volume of industrial production, and has been transformed into a mighty power....

This does not mean that there have been no mistakes or negative moments in the party's activities. There was the dramatic phase of Stalinism in the 1930's; there was suppression of dissent in the 1970's; and there was the apostasy of the party elite during the latest period. All of this happened.

At the same time, everyone knows that there have always been forces within the party that rose up against these vices. And so it renewed itself, cleansed itself of this scum—sustaining losses, restoring its ranks, maintaining its ideals. And now, once again, this process is interrupted and it is banned at a turning point.

Let us look at the arguments that provided the grounds for banning the party as enumerated in the president's decrees.

The central thread that runs through them is that the party prepared a coup and participated in its realization. This statement is not true. It has been leveled without any investigation or trial, which is a gross violation of the law. The real preconditions and grounds for putting into effect the proscriptive and confiscatory functions for all practical purposes were absent.

This is not an unsupported statement: 78 out of 78 Russian Federation procurators, in replying to deputy inquiries, note the absence of illegal actions on the part of party organizations of Russian communists both during the August events and before and after.

We are going to hand copies of the procurators' replies to all members of the Constitutional Court, to the president's representative S.M. Shakhray, and to Procurator-General V.G. Stepankov. I would like to draw your attention to the fact that in practically all oblasts, krays, and republics proceedings were initiated against the party leadership on charges of being part of the August events, and that all of them have been dropped.

We draw the Constitutional Court's attention to the impermissibility of extending to the entire party the responsibility for the actions of concrete persons.

Also absolutely unsustainable, in our opinion, is the thesis within the president's decree of 6 November 1991 that the CPSU had never been a party.

Also unfounded and unsubstantiated is the accusation that the party foments "religious, social, and nationalist strife among the peoples of the country." On the contrary, we would like to draw your attention to the fact that since the issuance of this decree the sociopolitical situation in the republic not only did not improve, but actually has become extremely acute.

The president's decrees on the suspension, and then the ban of the activities of the CPSU and the CP RSFSR, and the transfer of their property to the state grossly violate the constitutional rights and freedoms of millions of citizens and thus encroach on the foundations of the constitutional system of the Russian Federation.

One more point. Having illegally banned the activities of the largest party, having expropriated its property, the authors of the decree have set a legal precedent. It means that depending on other changing circumstances one can, without investigation or trial, expropriate the property and holdings of other parties, public organizations, farmers, entrepreneurs, exchanges, foreign investors, or any other owner. This had not been permitted even during the time of Stalin repressions. Not a single totalitarian regime in the world has ever encroached on property—not even German Fascism. Who will cooperate with us within the framework of such lawlessness?

The ban on the activities of the CPSU and the CP RSFSR is a trial balloon, a litmus test, and the beginning of a far-reaching program. The crushing blow against the party is the first phase. The second phase are the soviets. If the action against the party is successful, a broad campaign aimed at discrediting the soviets will be unfolded. The fight for the party is the fight for the soviets, the most representatives organs of the working people. In the event the reaction wins, it will create the needed preconditions for an authoritarian regime. Therefore, the ban on the party, on the soviets is a dead end because no authoritarian regime has survived for long. And this dead end is man-made.

Next. The president's decree says that the party has led the country into a historical blind alley. Illogical. Why then would one need to ban the party that has reached a dead end and has led the country up a blind alley? A party without a future does not get banned. It disappears from the political arena on its own. Parties that get banned are parties of broad perspective, parties that stand on the forefront of historic progress, armed with progressive ideology capable of winning the minds of society, of expressing the interests of the overwhelming majority of the working people. Such are the parties one fights against. They are feared because they are the future. And, having reached a dead end, these are the parties that get banned. Having shackled the party, they have destroyed the national economy, the Union itself, and have changed the social system; the carving up of Russia has begun. The country has arrived at a dead end. What Hitler, world Fascism, and capital were not able to accomplish, has become possible after banning the party.

The ban on the CPSU also is a signal to other parties. Beware! You are next! And many parties feel this danger. Therefore only those who pathologically hate democracy and do not accept the socialist idea are gloating on this occasion. Thoughtful politicians do not approve of the president's decrees and do not support them.

On the basis of all of the above we believe that the decrees of the president of Russian Federation "On Suspension of the Activities of the Communist Party of the RSFSR" of 23 August 1991, "On the Property of the CPSU and of the Communist Party of the RSFSR" of 25 August 1991, and "On the Activities of the CPSU and the CP RSFSR" of 6 November 1991 should be found unconstitutional contrary to the principle of separation of powers established in the Russian Federation and recorded in its Constitution, and of the division of prerogatives between the supreme bodies of state power and administration, as well as stipulations of Articles 4, 5, 6, 7, 10, 32, 37, 46, 121-4, 121-8, 163, and 184 of the Russian Federation's Constitution.

It should also be noted that the president's decrees run counter to such widely known international documents as the Universal Declaration of Human Rights (Articles 8 and 20), the International Treaty on Civil Political Rights (Article 22), and the European Convention on the Protection of Human Rights and Basic Freedoms (Article 11). In accordance with Article 32 of the Russian Federation's Constitution, international treaties on human rights and freedoms take precedence over Russian laws, and it is the president of Russia's duty to strictly observe the commonly accepted international norms and guarantee their realization in Russia.

The Constitutional Court has agreed to initiate proceedings on our petition, whose substance boils down to one clear and precisely defined question: to determine the constitutionality of the president's decrees regarding the CPSU and the CP RSFSR and the transfer of their property to the state.

What you are about to rule on is not the fate of a party; it is the fate of democracy, the fate of the Constitution, the fate of the third branch of power.

Today the third power is undergoing a severe test. A test for the role of a guarantor of democracy, legality, and the Constitution.

FROM THE SPEECHES

Doctor of Juridical Science Sergey Bogolyubov

...During the past few weeks, an additional argument surfaced; I am trying to meet the opposing side halfway

and relieve it of the need for additional questions, but since the representatives of the opposing side continue to insist on this, I am willing to pick up this challenge"; that is, the contention that a resolution of the All-Union Central Executive Committee [VTsIK] and the Sovnarkom [Soviet of People's Commissars] of 10 July 1932 allegedly was in effect on the territory of Russia...

To start with, this resolution deals with voluntary societies and unions; that is, it is not at all about political parties. But since this may not convince some people, let us go further and say that the ban on these voluntary societies and unions could take place in the event these societies and unions did not actively participate in building socialism on the basis of Marxism-Leninism. It is a paradox that a Marxist-Leninist party, whose program includes the ideas of Marx and Engels, has been banned on the basis of the VTsIK and Sovnarkom resolution, which required the banning of an organization unless it actively participated in building socialism and professed Marxism-Leninism!

RSFSR People's Deputy Dmitriy Stepanov

The RSFSR president's decree No. 169 of 6 November 1992 "On the Activities of the CPSU and the Communist Party of the RSFSR" is an example of legitimized lies and slander. This decree cites as one of the grounds for suspending the activities of the CPSU and the Communist Party of the RSFSR their merging with state structures.

Such an argument demonstrates either a lack of understanding or a conscious distortion of the purpose for which political parties or social movement are created. As is known, they are created for the purpose of gaining power through elections or through appointment of members of such a party or movement to the bodies of state power or administration. Through them, parties and movements strive to have the bodies of state power and administration implement the policy developed by a party or a movement. In the process, a certain "convergence" of parties or movements with state structures takes place. There is, however, no other legitimate way for a party or a movement to influence or to set state policy.

Shakhray on CPSU Lawyer's 'Extemporization'

MK1107133792 Moscow NEZAVISIMAYA GAZETA in Russian 10 Jul 92 p 2

[Report by Mikhail Karpov under the "Trial" rubric: ""There Will Be Quite a Lot More Like This at the Trial in the Constitutional Court,' Sergey Shakhray Declares, Commenting on Attorney Kligman's 'Extemporization""]

[Excerpt] At the 9 July session of the Constitutional Court people were expecting only the continuation of Sergey Shakhray's benefit performance and the start of Andrey Makarov's. The first had ended happily and then, unexpectedly to many people, a "bomb" exploded in the room in the form of a petition from Aleksandr Kligman, the communists' attorney. True, some of those present were inclined to regard this "bomb" as just a percussion cap; others were perplexed, to say the least, if not dismayed. Although the petition did not, in principle, contain anything new apart from a demand for the case to be split into two separate ones. But Kligman's speech was so thickly laden with references to various kinds of circumstances and, in addition, so sharply seasoned with the horrors which await the unhappy Russian people if the court does not take account of his statement, that you could have shuddered. But far from everyone shuddered.

"What 'bomb'?" Sergey Shakhray exclaimed in reply to a question from NEZAVISIMAYA GAZETA's observer. "All these arguments have already been examined by the Constitutional Court, and answers have already been given to all the questions. Individual jurists and attorneys are free to disagree with them, but they had already been heard in the Constitutional Court room 26 May, when the court's decision to combine two petitions was made public. This can now be regarded only as an attempt if not to bury the accompanying petition, then at any rate to drag out the examination of the case ad infinitum. The submission to the Supreme Soviet of a draft law on the procedure for examining the constitutionality of parties was presented as a newly discovered material circumstance. But this is not being serious. There are hundreds of drafts there. Some of them have been 'hanging around' unadopted since 1990. Like the law on a local referendum, for example, and at least 10 others. On these grounds the Constitutional Court is essentially being instructed to abandon the execution of justice—which is unacceptable and unsubstantiated from a legal viewpoint. Such previously prepared 'extemporizations' should also be expected in the future. I believe there will be quite a few of them. Since the previous sessions showed the other side that the president's representatives have 'some more things' at their disposal. This is indicated by just the very appearance of attorney Makarov. The possible emergence of documents and factual circumstances showing not the demagogic but the true essence of the organization which called itself the CPSU is beginning to be disavowed. The most characteristic distinguishing feature of the other side's position is the fact that they try to push us into a quite different system of coordinates, to shove us into some 'realm of distorting mirrors,' into the usual situation for communists where simply unfounded claims are taken on trust, rather than a legal analysis." [passage omitted]

Lawyer Makarov Continues Speech 10 Jul

LD1007125992

[Editorial Report] Moscow Mayak Radio Network in Russian at 0700 GMT on 10 July carries a four-minute report by correspondent Aleksandr Ruvinskiy on the 10 July proceedings at the Constitutional Court.

Ruvinskiy reports that lawyer Makarov continued his speech, endeavoring to prove the CPSU's unconstitutionality. He familiarized the court with recent party

documents and insisted that the CPSU is not a public organization. Delegates who addressed the Party's 28th Congress admitted as much. Ruvinskiy says: "In January 1991, for instance, the CPSU introduced special, coded correspondence. Moreover, this was of a strange nature, as though it were underground, on the territory of a hostile country." Makarov referred to many other documents: It was a state-enshrined norm that the party would be in charge of the KGB and this norm has not yet been repealed. The CPSU rules directly contradicted the Constitution.

"Let me say that lawyer Makarov's speech yesterday also referred to quite a number of documents. Among them were, in particular, examples of shocking cynicism—when the results of the elections to the country's Supreme Soviet were endorsed by the party leadership and, in particular, by the Politburo which, incidentally, was at that time already led by Gorbachev—endorsed two days before these elections took place. The document due to be published in the press was endorsed by the Politburo.

"Lawyer Makarov dwelled on the questions of setting up special sub-units and, in particular, of the Alfa sub-unit which has recently become quite well known, and of other sub-units which, tasked by the party, carried out terrorist acts, both within the country and outside its borders. Well, specific examples, very interesting ones, never before published anywhere, were mentioned in this context, in particular. I think we will describe them in greater detail today. The latest documents of this kind—pertaining to the setting up of the Alfa sub-units—were adopted by a Politburo decision, with Gorbachev's and Ryzhkov's participation, on 16 March 1990. Ivashko's and Polozkov's signatures are also appended on them," Ruvinskiy reports.

The party also interfered in state appointments. Makarov also referred to the party's financial dealings, support for the fraternal communist parties abroad, and resources for the party's activities abroad. The party was going to pay Gosteleradio for relaying the CPSU's 28th Congress and the founding Russian Communist Party Congress. But it did not, as discussed and agreed between Ivashko and Kravchenko, the former Gosteleradio chairman.

Concluding his report, Ruvinskiy promises an update at 1030 GMT.

Moscow Mayak Radio Network in Russian at 1030 GMT on 10 July carries a five-minute updated report by correspondent Aleksandr Ruvinskiy on the 10 July proceedings at the Constitutional Court.

Ruvinskiy reports that lawyer Makarov continued his statement in which he is seeking to prove that the CPSU was a state organization and not a social one. After Makarov spoke, questions were put by Cosmonaut Sevastyanov, by Deputy Bratishchev, and by Zuganov, former secretary of the Russian Communist Party Central Committee, from the opposing side. "But these questions were of such a character that the court was obliged to give repeated warnings to the side putting these questions because of their departure from the professional framework and because they generally, in essence, expressed insults against the opposite side."

Noting that these questions would be continued after the interval, Ruvinskiy went on to summarize Makarov's statement, saying that the latter's argumentation was based mainly on the materials of the 28th CPSU Congress. Other documents produced by Makarov—although some of them had been published in the press—bore the classification of secret and top secret, and this was further evidence, according to Makarov, that the CPSU had been a state organization. "In particular, even after the repeal of Article 6 of the Constitution, talks continued to be held in the CPSU Central Committee, for example with heads of state bodies before their appointment to their posts, and they were appointed only after a Central Committee resolution confirming it appeared. Numerous facts and documents were also cited, especially those signed by Ivashko and Gorbachev, on the transfer abroad of considerable sums of money for the needs of parties, and these sums, so to speak, were transferred from the State Budget; but the side did not cover this in detail today at the session since this question already has a criminal character."

Makarov had also referred to the CPSU Central Committee's habit of "correcting" official statistics. "For instance, in one of the documents, all information indicating a drop in production in the country was crossed out, while only positive points were left in." Makarov also gave details of the provision of a printing press to a Lithuanian party secretary authorized by Ivashko and implemented by Shlyaga. "And he asks the court to confirm the unacceptability of the resumption of activities of the CPSU and the use of the names of CPSU and Russian Communist Party in the future, but to emphasize that members of the CPSU cannot bear responsibility for their actual membership of the CPSU and to confirm—he also asked the court—the right of citizens to join together on the basis of communist ideology."

Ruvinskiy notes that the session will resume at 1600 after the recess.

Further on Makarov Appeal

OW1007140292 Moscow INTERFAX in English 1027 GMT 10 Jul 92

[Transmitted via KYODO]

[Text] Friday [10 July] a lawyer Andrey Makarov appealed to the Constitutional Court requesting to prevent the activity of the CPSU and the RSFSR Communist Party under new titles and their usage by newly formed public organizations. At the same time he addressed the court asking not to prevent creating of groups of citizens wishing to unite on the basis of the communist ideology. At the trial Andrey Makarov represents the secretary of the Constitutional Commission

of the Russian Federation Oleg Rumyantsev who has put forward a petition on verification of the constitutional essence of the CPSU in contrast to the appeal of a group of deputies demanding to examine the constitutional essence of the Russian president's decrees on banning the communist party.

Ivashko Comments on Makarov Arguments

OW1007184192 Moscow INTERFAX in English 1740 GMT 10 Jul 92

[Transmitted via KYODO]

[Text] Lawyer Andrey Makarov, representing a group of people's deputies contesting the legitimacy of the CPSU spent four hours on the rostrum in the room of the Constitutional Court of Russia defending the idea that the Communist Party was not a party but a government structure. In his report and answers to the opponents' questions he mentioned arguments and documentary evidence to the effect that the nature of the CPSU underwent no change from the point of view of its policy documents, practices and the composition of leading bodies even after the abolition of article 6 of the USSR Constitution, which put on record its leading role in the state.

The former deputy of the General Secretary of the Communist Party, Vladimir Ivashko strongly disagreed with the lawyer's arguments. He told IF [INTERFAX] that the presidential decrees had no legal basis. He said that there was a big difference between the Communist Party of 1991 and the Communist Party of 1937. "I have put a ferroconcrete wall between Stalinism and myself", Ivashko said. The former deputy of the CPSU General Secretary also said he was not going to place responsibility on Mikhail Gorbachev and was capable of answering himself for the party of that period when he was one of its leaders.

The presidential representative in the Constitutional court, general director of the Russian agency of intellectual property Mikhail Fedotov believes that "the desire of CPSU representatives to move the trial from the legal dimension to the political one" would keep the trial going for another one and a half weeks. He told IF that such tactic by Yeltsin's opponents could backfire, because it "is getting on the court's nerves".

Session Expected To Run 'About' 10 Days

OW1007174292 Moscow INTERFAX in English 1529 GMT 10 Jul 92

[Prepared by Andrey Pershin, Andrey Petrovskiy, and Vladimir Shishlin; edited by Boris Grishchenko; from "Presidential Bulletin"; transmitted via KYODO]

[Text] The President's attorney at the hearings in the Constitutional Court—Director General of the Intellectual Property Agency Mikhail Fedotov has told IF [INTERFAX] correspondent Andrey Pershin that the hearings will last about ten more days. He explains his forecast by what he called "attempts by the Communist Party's lawyers to shift the proceedings on to political ground". They are trying, he said, to stage a parliamentary debate in court, all the more so since both sides are represented by MPs. Such tactics, though, may boomerang for they "irritate the court".

Shakhray Attacks CPSU Afghanistan Actions

924C1907A Moscow ROSSIYSKAYA GAZETA in Russian 11 Jul 92 p 1

[Article by Inna Muravyeva: "'We Are Communists, Sons of This Century...'"]

[Text] **The CPSU Case**

These were popular lines: "We are communists, sons of this century, the palms of our hands are good and strong, and my whole land is in the palms of these hands—its plains, oceans, cliffs..." During our triumphs, these lines could be heard several times a day, emotionally enunciated over the radio by the best announcers.

And so... the fourth day of the hearing in the Constitutional Court of Russia was concluded on the case of the CPSU—an organization which called itself a party but which has not been one for a long time, as asserted by one of the litigants.

"This is not a public organization but a structure which substituted itself for all state organs, which behind the smoke screen of the class approach to everything and everyone carried out long years of genocide against its own people and conducted repression and lawlessness," said lawyer Andrey Makarov, speaking in court...

However, in court the petitioning litigant, representing the interests of the CPSU, through one of the members of the case said that the dues of rank-and-file members of the CPSU were the main source of the party's resources. Reference was even made to the figure of 12.4 billion rubles of members' dues that were received in the years 1981-90.

However, the very next day Sergey Shakhray, appearing in court, cited documents indicating that "in individual years the dues of rank-and-file party members were not even enough to support its apparatus..." He was supported by additional information from Andrey Makarov—for this same period, "in 1981-1990, 453.5 million foreign currency (!) rubles were taken from the state fund to cover special expenditures of the CPSU Central Committee."

Indeed, the party bigwigs lived well and rested well. Sergey Shakhray cited as an example a 28 May 1991 document entitled "Expert Estimate of Property Sites of the CPSU." It seems that "without compensation for value," the CPSU acquired ownership of the best sanatoriums of the country—"Rossiya," "Foros," and "Maryino..."

"The CPSU was not a party, and two separate owners did not exist," asserts Sergey Shakhray. "The CPSU was not a property owner separate from the state."

The president's representative continued: Only one-third of the gross domestic product went for consumption in our country. The rest—for guns. By the will of the party we armed in all the years of its rule, and by the will of the party we sent our lads not simply to hot spots but to flaming spots on the earth, and, incidentally, they were also frequently provoked by the will of the party.

...Andrey Makarov cited a document in his speech that originated in the CPSU Central Committee and bore the "Top Secret" stamp. The document indicates that "in accordance with the CPSU Central Committee, a list of reports authorized for open publication in the mass media was developed regarding the actions of the limited contingent of Soviet troops on the territory of the Democratic Republic of Afghanistan." The CPSU Central Committee permitted the showing of "isolated cases of individual casualties." Naturally, there could be no question of reporting in the mass media about the thousands of zinc coffins that came to the motherland from Afghanistan... I heard about this quotation from this cynical document, and I recalled the funeral of 20-year-old Andrey Videkhin from the Moscow area. A zinc coffin was brought to Andrey's mother. A local military commander remained next to her throughout the days of the funeral ceremony—he was obligated to do this by the CPSU city committee. And it, the city committee of the party, also assigned the military commander the task of doing everything possible so that there would be no tears, so that the mother of the dead son would look like "a courageous daughter of her motherland."

...The zinc coffin was driven up to the plant where Andrey worked before leaving for the army, and, moreover, they drove it up at the height of the work day (God forbid that it should be during the dinner break, God forbid that a lot of people should assemble). They placed the coffin on stools. They stood for five minutes. And then they took the coffin to the cemetery.

It was not possible to write about this, being guided by decisions of "the wisest, most honest, and most conscientious organization—the CPSU." I know this story not from hearsay: After writing it, I tried to get it printed—they removed the material. But I will never forget the panic-stricken eyes of the mother who... did not dare to cry at her son's funeral. The people conjectured—"she was injected with some kind of medicine." Indeed, the public demonstration of courage was also necessary to the CPSU.

Recall, when at the first Congress of People's Deputies of the USSR Andrey Sakharov suddenly exclaimed: "We—we!—killed hundreds of thousands of Afghans in this insane war"—our congress, after whistling him down, amicably applauded a quite different speech by officer and Afghan veteran Chervonopiskiy: "There are more than 80 percent communists in the hall. Many of them have already spoken, but I have not heard anyone, including the report itself, use the word 'communist.' I am an adamant opponent of slogans and window dressing. But three words for which I think it is necessary for all of us to fight are 'State,' 'Motherland,' and 'Communism.'" It certainly is worth recalling the speech of this person, undoubtedly honorable, but who was stupefied by illusory ideals...

Sergey Shakhray also cited documents from a special folder about the events in Novocherkassk in 1962.

"'We report,' wrote the 'true sons of the party,' that proceedings have been initiated against 116 persons. A draft of the charges in this case is attached."

But let us think about it—this is not simply blasphemy, this has no name: On paper—"courts," "justice, "the constitution"—Stalin's and Brezhnev's. But in fact: Stupefied by socialist realism, party songs, graphomaniacal novels of the "White Light," "Holder of the Gold Star," and "Brothers Yershov" type—the people are miserable. Who will throw a stone at those who wanted and tried to believe? They studied to believe. And they also believed... In fairness to those who in the courts "attached a draft of charges..."

The party was crafty in its trickery. Andrey Makarov cited one more CPSU Central Committee document in which the results of elections that were to be held on the 16th were already consolidated on the 14th. Hundreds of thousands of members of electoral commissions, as a rule members of the CPSU, were involved in this enormous lie, giving summaries that "99 percent of the population came out for the inviolable bloc of communists and nonparty people."

On one day Yuriy Slobodkin asked the court to give him an answer to several questions: What are the real, not imaginary, transgressions of the Soviet communists before the country and world democracy?

Sergey Shakhray, answering Judge Gadzhiyev's question in this context, said: It is enough for us to take the position that the CPSU is a regular, normal political party, and then we immediately have to acknowledge that like any normal political party it will have to work on the following principles—that the leaders of this party are freely elected by the rank-and-file members of the party, that the managers of the structures of this organization can be controlled by the rank-and-file members of the CPSU, that leaders who frequently broke the law and violated the Constitution can be recalled, and, finally, that rank-and-file members of the CPSU can leave this organization freely. We unwittingly end up in a situation where we could have elected good people, but we did not, where we could have controlled, recalled, and left, but did not... With such an approach, comparison of the CPSU with a party is justification for making all the members of this organization answerable.

...The whole point is that in life also (which of us does not know this) there was a clear demarcation between the managerial and organizational structure of this organization and its rank-and-file members. It is for this reason that it is written in the president's ukase: It is impermissible to defame the millions of rank-and-file members of the party who had no connection with the arbitrary rule and violence that was administered in their name...

Court Hearings for 13 Jul Reported

PM1607140892 Moscow ROSSIYSKAYA GAZETA in Russian 15 Jul 92 First Edition p 1

[Inna Muravyeva report: "The CPSU Case: Communists Disclaim Responsibility for Past and Present"]

[Text] In the morning, five minutes before the start of the session, the clerk of the court wished all participants in the trail a "fruitful working week."

The 13 July morning session was no different from preceding sessions. The cross-examination of attorney Makarov was concluded. True, before he began answering questions, Professor Rudinskiy, who is representing the CPSU's interests, made a rather lengthy statement: "Mr. Makarov is indulging in disrespectful remarks against our side. For instance, he said that 'all party members paid a tribute, in the form of membership dues...'"

Vladimir Ivashko, in formulating his questions, tried to distinguish between the CPSU in the past and after the repeal of Article 6 of the USSR Constitution.

Makarov continued to insist—the CPSU was and remained one and the same organization in 1917, in 1937, and in 1991.

Questions were also asked by Yuriy Golik, former people's deputy of the former USSR, representing the CPSU in court: "Did I correctly understand your remark that the CPSU's activity was contrary to all the constitutions that existed in the state, beginning in 1918?" Andrey Makarov replied: "Yes, we assert that all the constitutions were violated and that with the help of the constitutions adopted, the party, having seized power in 1917, wanted to legalize its activity."

The CPSU representatives, as in past days, continued to insist: The CPSU of the period in which it was adopting "unconstitutional, immoral decisions" and the CPSU of the beginning of the "self-purification" after the repeal of Article 6 are different organizations.

Attorney Makarov reiterated—even after the 28th Congress the CPSU did not intend to lose its monopoly of power. A resolution of the CPSU Central Committee January (1991) Plenum said: "If necessary, raykoms [rayon party committees] and gorkoms [city party committees]..." are to carry out a reorganization of structures... But—in the same document—these same raykoms and gorkoms were instructed to—"resolutely oppose depoliticization and departyization, whatever their source."

"Our opponents," Makarov went on, "claim that the party itself made revelations. But even here, the organization's representatives are trying to conceal what really happened. For instance, here is a Central Committee Secretariat resolution on certain questions of the safekeeping of documents..."

This document was signed 29 March 1991. "Recently," it says, "the danger of archives being seized has intensified..." It was then that 25 million files were identified as "not suitable for permanent storage."

Halfway through the morning session the CPSU representatives made a statement demanding that prior to the appearance of witnesses they be familiarized in full with all the documents to which the "esteemed opposing side" refers in its statements.

Andrey Makarov promised to make the required documents available the following day.

The "fourth party" was then given the floor—the RSFSR Communist Party. Valentin Kuptsov delivered a statement. In his opinion "we are appearing as defendants in conditions of legal uncertainty in which... the procedure and legal consequences have not been defined..."

Kuptsov stated that the RSFSR Communist Party "disclaims responsibility for the present course..." and for the new policy. "We were not involved in the price liberalization program," Valentin Kuptsov stated proudly.

The speech by Professor Kalashnikov, who at the time of the publication of the president's decrees was working as a Central Committee secretary, apparently breathed new life into the CPSU representatives. He was warmly congratulated. One of his supporters confided rapturously: "That's real fighting talk. You can't rebuff arguments like that."

Kalashnikov also spoke about the party's new face, and the fact that the party itself put an end to all kinds of vestiges of the Stalinist model; he accused representatives of the other side of talking in detail about the 27th Congress, Brezhnev, and the party's past; as for the party's work after the 28th Congress, here they often go in for mere declarations and unsubstantiated remarks.

Oleg Mironov, a professor from Saratov, insisted, in his speech, that the provisional time frame for the investigation of the party's constitutionality should not begin until June 1990.

Mironov also made the curious statement that Rumyantsev's petition was filed before the relevant article of the Constitution came into force. The professor said that the Law on Additions and Amendments to the Constitution comes into force from the moment of its publication. This law was published in ROSSIYSKAYA GAZETA

for 16 May, and published only in the Moscow edition. It should have been published throughout the territory of Russia. So it is quite possible, in Oleg Mironov's opinion, that ROSSIYSKAYA GAZETA's chief editor will be invited to attend court as a witness.

Professor Mironov quoted at great length from the CPSU rules, in order to demonstrate that the rules are not contrary to the Constitution. These quotations really reeked of mothballs! It was quite incredible to hear the words about the greatness of socialist competition, about the Communist's duty to "set an example" in labor and social morality...

Other CPSU representatives also spoke on that day. Melnikov, who was a secretary of the CPSU Central Committee from July 1991, and prior to that secretary of the Moscow State University party committee, said, to conclude his speech: "I reject attempts to misrepresent the lofty, noble aims to which Communists devoted their lives."

The next speaker, Professor Rudinskiy, stressed that the party as a whole cannot be held responsible for the opponents who penetrated its ranks.

At the court the side representing the CPSU's interests insisted that the party did not support the SCSE [State Committee for the State of Emergency]. The following argument was cited by way of support: No leadership body—congress, plenum, or politburo—adopted any decision on this matter. On the first day of the trial the Communists had stated that of the 78 regions to which they sent deputies' questions asking whether the law enforcement organs can confirm instances of support by party structures for the SCSE, the answers from all of them, that is, 78 regions, were negative.

Shakhray, in his speech, cited three cipher messages refuting the 100-percent noninvolvement of local party structures in supporting the SCSE.

On 13 July Valentin Kuptsov was also forced to admit that two questions had in fact been answered in the affirmative—by the Moscow and Orenburg prosecutor's offices.

The side upholding the CPSU's interests has announced 12 speeches. The fifth of the announced representatives has not yet finished speaking. Tomorrow, in all probability, we will hear some more interesting things about the greatness of the Communist Party's objectives and deeds.

Archives Storage Procedure Document Exposed

OW1307112892 Moscow INTERFAX in English 1008 GMT 13 Jul 92

[Transmitted via KYODO]

[Text] The Constitutional Court of Russia continued its work in Moscow on Monday [13 July]. The lawyer Andrey Makarov for the authors of a counter claim, questioning the legitimacy of the Communist Party, exposed a document on a party archives storage procedure, signed by the then deputy general secretary of the CPSU Central Committee Vladimir Ivashko on March 29th, 1991. The document indicates that 25 million cases from the CPSU archives have been done away with to save the party's face. The CPSU leadership also recommended that part of the archives be closed or transferred elsewhere. It also advised adopting other measures, "depending on the situation".

Mr. Ivashko has told an IF [INTERFAX] reporter that only the temporarily stored documents were destroyed. "To destroy anything from archives is a criminal offense", Mr. Ivashko remarked. However, he emphasized that he would not discuss in court papers from "special files" since they might affect not only party but national interests.

Kuptsov Addresses 13 Jul Session on Aug Coup

OW1307135692 Moscow INTERFAX in English 1316 GMT 13 Jul 92

[Transmitted via KYODO]

[Text] The former first secretary of the Central Committee of the Communist Party of RSFSR Valentin Kuptsov who occupied this post in 1991 less that two weeks before the Russian president adopted a decree on halting the activity of party's organizational structures doubts the legitimacy of discussion in Constitutional Court the issue on constitutional essence of the party. Addressing the session of the Constitutional Court on Monday [13 July], he declared on complete non-implication of the party to August coup. [sentence as received] Kuptsov presented the notes of 78 prosecutors of republics, provinces, and territories of Russian Federation which confirm that the leaders of party committees at places were not involved in the coup.

Kuptsov underlined a great importance of the Constitutional Court's verdict on the Communist Party for the fate of democracy in Russia saying that recognition of unconstitutional essence of the party may be a precedent for abolishing other political parties and public organizations. trade unions. [as received] To this effect the former leader of the Communist Party warned that now "a road to a new form of totalitarism is being built in Russia today".

The representatives of the RSFSR's Communist Party announced about 12 people who will address the session and dispute the thesis of the counter petition on constitutional essence of the party.

14 Jul Session Held; U.S. Involvement Noted

OW1407182292 Moscow INTERFAX in English 1719 GMT 14 Jul 92

[From the "Presidential Bulletin" feature; prepared by Andrey Pershin, Andrey Petrovskiy, and Vladimir Shishlin; transmitted via KYODO]

[Text] The Constitutional Court has today [14 July] held another session on President Boris Yeltsin's decree banning the Communist Party of the Soviet Union. Today the court heard Yeltsin's proxy Sergey Shakhray, who presented about 100 documents from CPSU archives. Shakhray dismissed as untrue the claim of the President's opponents that the latter had no access to any of the archive documents presented to the court.

He said the opponents were able to get and use at the trial any of the 47 volumes of documents presented to the court by the President. He also rejected their assertion that the historic documents presented by the presidential party were "irrelevant." He thought all of them had direct bearing on the nature of the Communist Party.

As for the claims of Gennadiy Zyuganov, former leading ideologist of the Russian Communist Party, to the effect that the USA was exercising an influence on the situation in the country, these, Shakhray said, could not be taken seriously. "When our opponents run out of proper arguments, they start politicizing," he concluded.

IF [INTERFAX] Note: Zyuganov believes the reforms being carried out in Russia are "very much in line with the principles and programs which have been proposed in the USA from as far back as the sixties with the aim of destabilizing and undermining the USSR." Considerable importance, he said, had been attached to the influence America was to exercise on the CPSU. In an interview with IF, Zyuganov also claimed he knew about the aims and methods of influencing the situation in Russia suggested to Presidents Reagan and Bush by some research centers in the USA. He said the proposals had been so detailed that the documents containing them even named the periodicals which should or should not be helped and supported. He said he had warned Mikhail Gorbachev last summer about the danger of foreign recipes being applied to the USSR, but the General Secretary ignored his words.

Stepanov's Right To Speak Restored 14 Jul

PM1607160792 Moscow ROSSIYSKAYA GAZETA in Russian 15 Jul 92 First Edition p 1

[Report from ROSSIYSKAYA GAZETA-ITAR-TASS "News" column: "In the Russian Constitutional Court"]

[Text] On 14 July the Constitutional Court restored Russian Federation People's Deputy Dmitriy Stepanov's right to address the court, which he had forfeited for making an unconstitutional appeal in his speech on the first day of the trial. A group of people's deputies—colleagues of the punished speaker—asked the court to review the decision to silence Stepanov until the end of the session. Presidential representative Sergey Shakhray supported his opponents' request on condition that Deputy Stepanov "no longer abuses Russian top officials." Announcing that the people's deputies' request had been granted, Valeriy Zorkin, chairing the session, expressed the "firm hope that Stepanov's future speeches will be proper and will keep within the law."

After discussing this procedural matter the court moved on to the agenda, asking the representatives of the side holding that the CPSU is constitutional to continue their speeches. Twelve people were marked down to speak in the debate on this question.

Makarov Criticizes Attorneys' Tactics

PM1507154592 Moscow ROSSIYSKAYA GAZETA in Russian 14 Jul 92 First Edition p 1

[ITAR-TASS report: "From Constitutional Court Courtroom"]

[Text] After a two-day recess the Constitutional Court today continued the session that is considering two suits combined into one case—whether the Russian Federation president's decrees concerning the CPSU conform to the Constitution, and the constitutionality of the Communist Party itself.

On 10 July Andrey Makarov, representing the side that submitted the petition on the CPSU's unconstitutionality, spent all day on the stand. But he simply did not manage to answer all the judges' and his opponents' questions. It was decided to continue this procedure today. However, Feliks Rudinskiy, representing the other side, attempted to break the rules of procedure. He made a statement accusing "Mr. Makarov of using mocking expressions and showing disrespect to his opponents and of not having submitted in writing his arguments concerning the CPSU Statutes' nonconformity to the Constitution." "Because it is hard to follow them when given orally."

Constitutional Court Chairman Valeriy Zorkin recalled that questions can be asked "on all unclear positions," and suggested that this be done now. "I see no problems that would prevent the court from proceeding further in a calm and constructive manner," Zorkin said. Makarov continued answering the questions.

In an interview with an ITAR-TASS correspondent, attorney Makarov called the numerous questions that the CPSU defense attorneys had put to him over the two days "an attempt to drag out the proceedings at all costs and chiefly to digress from the essence of the problems being considered." In court he delivered a detailed exposition of the grounds substantiating "the CPSU's unconstitutionality and in this context corroborated the constitutionality of the president's decrees," as is stated in the petition of People's Deputy Oleg Rumyantsev, senior secretary of the Russian Federation Constitutional Commission.

Refuting his opponents' claim that the facts cited by him concerning the party's improper role are "a form of pressure on the court," Makarov said in the interview: "We are presenting to the court only documents and arguments, and in doing so, we say that any decision made by the Constitutional Court will be implemented. This has been bluntly stated by the presidential side." The attorney expressed his chagrin over the fact that the

other side's representatives, respected jurists, are behaving "not entirely professionally" at the session.

After the stream of questions for the presidential side had been exhausted at today's session, the court gave the floor to the respondents to the petition on the CPSU's unconstitutionality. The first to speak was Valentin Kuptsov, former CPSU Central Committee secretary and first secretary of the Russian Communist Party Central Committee, who announced that, apart from him, a further 11 speakers would be expounding the communists' viewpoint.

Let us recall that 11 people spoke against the president's decree, while the president's side was represented by only one speaker per question—Sergey Shakhray and Makarov.

Further on Session

LD1407142892 Moscow Radio Rossii Network in Russian 0800 GMT 14 Jul 92

[Text] The case regarding the lawfulness of prohibiting the activity of the CPSU and the Russian Communist Party continues at the Constitutional Court. We now go over live to the Constitutional Court. Our correspondent Andrey Krasnov reports:

[Krasnov] Today is the seventh day of the Constitutional Court sittings. The CPSU defense counsel has been speaking at the trial since Monday. The party has entrusted its defense to a total of twelve of its representatives. Taking into account the fact that there is no time limit on speeches, the court hearing may be very prolonged. For instance, Feliks Rudinskiy, one of the CPSU lawyers, talked for about four hours. He did not manage to finish his speech yesterday and continued it this morning. However, his arguments did not differ much from the remarks of the previous speakers. In particular, Feliks Rudinskiy said:

[Begin Rudinskiy recording] The people who wrote the petition to recognize the CPSU as nonconstitutional have, however paradoxical it may sound, been brought up in that spirit. I would even say that they became the victims, the involuntary victims, of this pseudocommunist (?Balevin-type) propaganda, which was based on the following principle: Spring is over, summer has come, thanks to the party for that.

It is quite evident that on examining a case like this there should be precise evidence to confirm the connection between the actions of the CPSU and violation of the constitution. Of course, the party cannot be responsible for bureaucracy for instance, for the negligence of civil servants, for, let us say, the absence of parliamentary traditions in our country, and the low level of legal culture, and so on. And it should be remembered that in the party many, many of the rank-and-file communists were themselves the victims of such activity. In my view, the whole lie of the accusation against us consists in the fact that they want to make the party responsible for the actions of forces and traditions hostile to them, which the honest members of the Communist Party always fought against. [end recording]

This lawyer's speech was such a long one that the court's chairman, Valeriy Zorkin, reprimanded him. In the opinion of many experts the CPSU representatives have now consciously adopted a course toward prolonging the trial. After Feliks Rudinskiy, Gennadiy Zyuganov, one of the leaders of the former Russian Communist Party, took the floor. He used the court tribune for attacks on the present Russian authorities. As the last few days have shown, the trial is turning more and more from a purely legal trial into a political one.

Hearings Adjourned Until 21 Jul

LD1407193492 Moscow ITAR-TASS in English 1856 GMT 14 Jul 92

[By ITAR-TASS]

[Text] Moscow July 14—Russia's Constitutional Court declared on Tuesday [14 July] an adjourment until July 21 in hearings on constitutionality of President Yeltsin's decree concerning the ban on the Communist Party.

The hearings have beeen adjourned in order that judges and representatives from each side could get acquainted with documents recently filed to the case and with experts' findings.

Government Provides Funds for CPSU Defense

LD1507192492 Moscow Radio Rossii Network in Russian 0900 GMT 14 Jul 92

[Text] A total of 900,000 rubles has been taken from the Russian budget to pay for the CPSU's expenses at the Constitutional Court. State Secretary Gennadiy Burbulis told this to an IMMA-PRESS correspondent. He said that at the request of the communists, and presented by Court Chairman Valeriy Zorkin, the president deemed it permissible to release this amount. At the same time, according to Gennadiy Burbulis, Boris Yeltsin's supporters receive no payment for their work. Not a single participant on our side has ever thought of raising the issue, he said.

In an interview, the state secretary stressed that since the court is examining a constitutional issue, and not the criminality of the CPSU, he has no fears that his Communist Party past will weaken his present position.

Court Reviews 'Adequate Legal Basis' for Case

OW1507192992 Moscow INTERFAX in English 1833 GMT 15 Jul 92

[Transmitted via KYODO]

[Text] The Constitutional Court of Russia is going to see whether there was adequate legal basis for President Boris Yeltsin's decrees banning the Communist Party of

the Soviet Union and ordering the confiscation of its property. Court experts believe the President was unable to make use of most of the documents that have been presented to the court, since a year ago they were still being kept in the secret archives of the CPSU.

At the moment the court, which has interrupted its sessions until July 21, has started investigating nearly 100 documents which Yeltsin's party insists on being used in the case. According to the press service of the Constitutional Court, Yeltsin's proxies, who were insisting that his decrees were legitimate, were making references to documents from CPSU archives which the court did not possess.

In the opinion of the press service, many of the documents presented to the court by the presidential party are "totally irrelevant from the legal point of view."

Legal experts invited by the Constitutional Court drew our correspondent's attention to the demand of court chairperson Valeriy Zorkin that by July 21 the presidential party present to the court a document on the procedure for the issue of presidential decrees from their drafting to their being signed by the President.

Lawyer Rejects CPSU Involvement in Aug Coup

LD1507083892 Moscow ITAR-TASS in English 2022 GMT 15 Jul 92

[By ITAR-TASS correspondent Lyudmila Yermakova]

[Text] Moscow July 14 TASS—The Constitutional Court of Russia continued its hearing on the legality of the presidential decree on the ban of the Communist Party of the Soviet Union (CPSU).

The court returned the right to testify to People's Deputy Dmitriy Stepanov. He was deprived of his right for the anticonstitutional appeal. Russian president's representative Sergey Shakhray supported the appeal of his opponents with the condition that people's deputy Stepanov "will not insult high-ranking officials of Russia."

The court discussed the agenda. Defenders of the CPSU gave the possibility to speak at the hearings. Former secretary of the Central Committee of the Communist Party of Russia Gennadiy Zyuganov called to look not only into the past, but the future as well. According to him, the main thing is to not to allow intensification of confrontation in the society. "Russia, where nuclear charges, worn-out nuclear missiles and chemical products are concentrated, has exhausted its limits of revolutions and civil wars. There are two ways of resolving disputes and contradictions: Dialogue and the law," he said.

Lawyer Yuriy Ivanov said that Mikhail Gorbachev's activities were unconstitutional and not of the party. He was initiator of the Union Treaty, which was "unconstitutional, because it was prepared without consent of the parliament and its committees and envisaged a change in the social and political system of the country, the CPSU defence lawyer said. Ivanov declared that the state emergency committee was created "to stop anticonstitutional activities of the president", and rejected accusations of the involvement of the CPSU and its structures in the August 1991 coup.

Zyuganov Urges People To Look to Future

PM1607114192 Moscow ROSSIYSKAYA GAZETA in Russian 16 Jul 92 First Edition p 1

[ITAR-TASS report: "At the Russian Constitutional Court"]

[Text] Continuing the speech by the side defending the constitutionality of the CPSU, Gennadiy Zyuganov, former first secretary of the Russian Communist Party, called for people to look not only to the past but to the future. The main thing, in his opinion, is not to allow any intensification of confrontation in society. "Russia, where an abundance of nuclear charges, obsolete nuclear missiles, and chemical production facilities are concentrated, has used up its quota of revolutions and civil wars," he said.

Defense attorney Yuriy Ivanov turned the debate in another direction, stating that it was the actions of Mikhail Gorbachev that were unconstitutional rather than those of the party. It was under his leadership, the CPSU's defense attorney said, that work was done on the Union Treaty, which was "unconstitutional, since it was drawn up without any coordination with parliament or its commissions and yet envisaged the replacement of the sociopolitical setup in the country." Yuriy Ivanov went on to state that the State Committee for the State of Emergency was set up to "put a stop to the president's unconstitutional activities," and rejected the accusations that the CPSU and its structures were involved in the August putsch.

The Russian Constitutional Court finished hearing the sides' presentations and adjourned until 21 July to allow the judges and the sides' representatives to familiarize themselves with the documentation.

Proceedings Viewed

Gorbachev Interviewed on 'Current Situation'

LD0807082992 Moscow ITAR-TASS in English 0808 GMT 8 Jul 92

[Text] Moscow July 8 TASS—Certain people in Russian President Boris Yeltsin's entourage are pushing him towards dictatorship, former Soviet President Mikhail Gorbachev said in an interview with the weekly LITERATURNAYA GAZETA (LITERARY GAZETTE).

"They are trying to impose on him what they were imposing on me: Restore an order in three days and everything will be OK," Gorbachev said.

Gorbachev described the current situation in Russia as "dangerous". "Because of mistakes caused by the reluctance to make changes in the implementation of economic reforms two or three months ago, a critical and explosive mass is forming in society," Gorbachev said.

The former Soviet leader opposed efforts to rush reforms in Russia. "Only evolution. People need to realise the necessity to make their choice. Otherwise, if we again begin driving people towards a happy life, as we did during the collectivisation and industrialisation, nothing will come out of it," Gorbachev said.

"I believe it my civil and personal duty in my new role to cooperate with political and public forces here, in Russia, and other countries so that the processes we started continue," Gorbachev said.

Further on Interview

LD0807093492 Moscow ITAR-TASS World Service in Russian 0755 GMT 8 Jul 92

[Text] Moscow, 8 Jul (ITAR-TASS)—"I think both sides will come out losers in this court because what is going on will lead to splits and arguments in society." Former USSR President Mikhail Gorbachev has expressed this view regarding the Russian Constitutional Court's consideration of the application on the legality of the president's decrees on the CPSU in a "LITERATURNAYA GAZETA" interview published today.

"I met the Constitutional Court chairman and we talked for several hours. We had a very good conversation and it was very important for me," Mikhail Gorbachev said. "I said that I will not take part in the sitting. All this may turn out to be compromising for the Constitutional Court, rather than giving it the opportunity to study the future of a rule-of-law state." "I would not sacrifice the Constitutional Court; it has displayed great competence. Therefore the current reformers, the current power, are not doing the right thing," he stressed.

The keys to "unloading" this situation and winning something at the end of it, he said, are in the hands of the Russian president. "I am not a president and I will not be proposing a draft decree to him. But he should have resolved this question himself; then he would have received only a positive response from society. What is this in general? Putting 70 years of our history in the dock? It should be analyzed and conclusions must be drawn," Gorbachev believes. "I regret very much that all this is happening, and I will not be taking part in the process under any conditions."

"I believe it is my civic and personal duty in my new role to cooperate with political and public forces here in Russia and in other countries to ensure that the processes we started continue," Gorbachev said in reply to other questions from journalists. "I am feeling confident in both a political and moral sense." According to him, "the situation in Russia is not only serious but also dangerous. We need no further proof of it being serious, I think. It is dangerous because of mistakes caused by the reluctance to make changes in the economic reforms two or three months ago, and an explosive critical situation is now taking shape in our society."

"There is a very serious danger that the social and interethnic conflicts are beginning to flare up in this country and are turning into a blazing conflagration. Regardless of our wishes, this could provoke thousands of people, push society off balance, and cause bloodshed. Fascism and other types of extremism emerge precisely at those moments in history in which authorities, in an acute situation, fail to find their niche."

Federation Deputy Views Aspects of Case

924C1870B Moscow ROSSIYSKAYA GAZETA in Russian 8 Jul 92 p 2

[Commentary by Russian Federation People's Deputy Oleg Rumyantsev: "The Constitutional Court—Confirming the Obvious"]

[Text] **Yesterday, 7 July 1992, the Constitutional Court of the Russian Federation began the consideration of two petitions: on verifying the constitutionality of the ukases of the president of the Russian Federation of 23 and 25 August and 6 November 1991, concerning terminating the activity of the CPSU and the RSFSR Communist Party and declaring their property to be state property, and also the counter petition on declaring the unconstitutionality of the CPSU and the RSFSR Communist Party.**

After the Constitutional Court announced at its session on 26 May its decision to combine these petitions, I had occasion to hear many harsh words and accusations—mainly from the opposing side. I think the outcome of the legal dispute will be decided independently by the high organ of judicial power without our squabbles. I did not speak after the aforementioned session since I fully trusted the views of my representative—the well-known lawyer A. Makarov. But today on the pages of ROSSIYSKAYA GAZETA I would like to discuss both the constitutional and the political aspects of this case.

The opposing party states that the Russian Federation Law on the Constitutional Court, contains no provisions concerning this organ's right to consider the question of the constitutionality of parties and lacks even a procedure for considering this. Let us recall: The Constitution itself, after the amendment made by the Sixth Congress of Russian Deputies, allows the Constitutional Court to decide such cases from now on.

Article 165-1 of the Russian Federation Constitution and also articles 23, 46, 64, 67, 69, 71, 74, and 79 of the Russian Federation Law on the Constitutional Court, directly refer to the norms of the existing Constitution for purposes of resolving this issue.

The Constitution is the Basic Law, whose norms have a direct effect, and hence no special instructions from the legislator are required here. Attacks on the supposedly

possible "independence" of the Constitutional Court reek of the dusty textbooks on Soviet state law, since very many of the opponents learned from writing and propagandizing them. Since the changes to the Law on the Constitutional Court ensuing from the Congress amendments have not been enacted yet, the norms of this law must be applied to such a category of cases by analogy.

There arises the question of which criteria should be used as guidelines for determining the constitutionality of a political party. The main criterion for constitutionality is this organization's correspondence or lack of correspondence to the Basic Law.

Several aspects can be singled out here. Ideological: the recognition as a matter of principle of the supremacy of the Constitution and the law or reference to the extralegal nature of the values and goals of the party. Behavioral: the correspondence to the structures, customs, principles, models, and practice of behavior to the essence of a constitutional state.

Six criteria for constitutionality are specified by Article 7 of the Russian Constitution, but Article 3 of the USSR Law on Social Associations assumes 12 of these criteria. Here one must proceed from an understanding that a lack of correspondence to any other norm of the Constitution (besides the aforementioned Article 7) is a lack of correspondence to the Constitution as a whole and provides grounds for declaring unconstitutionality. The norms of the Constitution have no sequence of priority; all of them are equal in this case.

The opposing side is always speculating on the idea that the legal process is deliberately being steered into political channels.

The establishment and investigation of concrete examples of a lack of correspondence to the Constitution are by no means a political process. A purely legal assessment is required for founding acts and documents, current acts, and the practical activity of organs and officials of the CPSU.

Opponents point out to us with special feeling the fact of the registration of the CPSU. But this registration, conducted with the grossest violations, was declared illegal even at the session of the Committee on Legislation of the Union parliament. Minister Lushchikov justified himself: The party leadership, he said, assured us that the necessary changes would be made. So he did not revoke the illegal registration.

The charter norms were also strange since they did not specify the procedure for terminating the activity of the "eternal" CPSU.

There is also something to evaluate in the legacy of the CPSU: The opening of the archives and familiarization with their content made it possible to create a table of contents of the documents, which dispassionately show the resistance to legal organs of power, participation in the State Committee for the State of Emergency, interference in the affairs of religious and social organizations and the mass media, human rights violations, manipulation by a repressive apparatus, hushing up the Chernobyl tragedy, unrestricted use of funds from the state budget for personal needs, the rendering of financial and other aid to foreign partners at the expense of the state coffers, interference with the work of ministries and departments, peculiarities of cadre-nomenklatura policy, participation in the Afghan affair, and violations in internal party activity of legislation on social associations (stepping up coding work and so forth).

The Procuracy is already engaged in an investigation of some of the facts related to the everyday heroics of the Communist Party. The Supreme Court will possibly engage in others. The parliament will deal with the political aspects. But this does not keep them from being used as additional materials for our petition which in their totality show how the communist authorities trampled upon the law.

Many people ask if the CPSU was a party. We dispute the constitutionality of the organization that called itself the CPSU and had the trappings of a political party but by its nature was not a social association or a part of the civil society.

The anticonstitutionality of the CPSU consists in the fact that the nature, and not simply the acts and actions, of the party does not correspond to the Constitution. This must include not only the written law, but also the ordinary internal law of the CPSU as a system of recognized stable rules and traditions of the behavior of its members, organs, and officials.

Even after the abolition of Article 6 of the Constitution the CPSU was still unconstitutional by nature. This is why the numerous historical references in the petition remain appropriate and timely. If the CPSU really did honestly intend to enter and stay within a constitutional framework it would have distanced itself from its illegal past, returned illegally confiscated wealth, refrained from performing state functions with respect to enterprises, recalled representatives installed through party directives, and so forth. Nothing of the kind has been done.

With recognition of the unconstitutionality of the very nature of the Communist Party what would be eliminated would not be communist ideology but the concrete organizational embodiment of this nature—the CPSU.

Many complaints and even threats resound regarding the alleged encroachment on a citizens' right to associate. Professor Sobakin in his letter to V.D. Zorkin describes the disasters that threaten both the Constitutional Court and Russia herself if someone were to appeal to the International Human Rights Committee in keeping with the International Pact on Civil and Political Rights of 1966.

In the first place, nobody is keeping citizens with communist convictions from professing them and legally creating a communist party. (We already have seven of them). In the second place, international law does not envision defense of the right of party functionaries to forced resurrection of superstate structures built up during a certain age. In the third place, here, unnoticed, they replace the right of free citizens to associate with the right of post-totalitarian "association" and the inviolability of institutions of the historically failed totalitarian regime. In the fourth place, the international committee may engage in the protection of the individual's rights but it is not authorized to prescribe to one country or another how it is to distribute the jurisdiction of the judicial power.

It is quite possible that among the "lovers of the CPSU" there are those who follow the professor's advice. In this case they will merely realize the dream of the extreme radicals, for they will be the initiators of an international trial of the CPSU like the Nuernberg tribunal.

The recently resurrected PRAVDA in one of its articles saw in the counter petition evidence of the profound spiritual, mental, and esthetic degradation of that part of the intelligentsia which again joined the "revolutionaries" who knew its advantage. The democrats are good for nothing and so are the intellectuals—the author angrily denounces them.

I will tell you honestly: The motives for the counter petition are far from a desire to blindly and zealously serve the ruling circles. The social democrats do not include themselves among the exalted admirers of our leaders, fulfilling their duty of responsible interaction with the authorities in the name of transformations in the new Russia. It is the calling of the intelligentsia to be responsible for the country and the world. We are responsible for barring the road to radical red political retaliation, because all it takes to turn the world around is just "organization of revolutionaries"; the underclass milieu which angrily believes that democracy is a lot of crap is more prepared than ever before.

And the large number of militant circles need not so much a bloody Leninist-Stalinist banner of victories as property proliferated in victories: buildings, printing facilities, holdings. Having belonged to the state, this property was justifiably declared to be such by the president's ukases; but, having been illegally appropriated by the restored CPSU, it could serve as a weighty factor in the forthcoming 1993-1994 election battles. Are communists concerned about justice? Then let the starting conditions be equal and fair for all.

It seems to me that the president of the Russian Federation with his ukases regarding the CPSU did not violate the delimitation of authority established in the Russian Federation Constitution and did not usurp the functions of the judicial power with respect to the CPSU. None of the three disputed ukases raised the question of declaring these organizations unconstitutional. We are setting the task of resolving this issue judicially and thus approving the content of the president's ukases, which are essentially directives of an administrative nature.

And one is surprised by the position of the Supreme Soviet of Russia which has been inactive in this area of legislation since the August events: Since no procedural law has appeared, how is the judicial power to act in the event that any party violates provisions of the Russian Federation Constitution.

Until August 1991 there was simply no power in the county capable of recognizing this on a legal basis. Now this task can be performed by the Constitutional Court of the Russian Federation.

Expectations From Trial Deliberations Viewed

PM1007153592 Moscow PRAVDA in Russian 9 Jul 92 p 2

[Boris Slavin "Nine Mini-Interviews on a Theme"; places and dates of interviews not given]

[Text] G. Burbulis, Russian president's state secretary.

[Slavin] What are your hopes for the Constitutional Court?

[Burbulis] How could we go there and not hope to succeed. The argument of the president and his team are irrefutable.

V. Ivashko, deputy general secretary of the CPSU Central Committee.

[Slavin] What do you expect from the court?

[Ivashko] I think that there can be no clear-cut answer here. On 26 May we learned that we should expect all sorts of surprises and developments. So, when preparing for the trial, we naturally tried out various scenarios and we will act accordingly. It is simply impossible to give a precise forecast without information.

[Slavin] But Burbulis and other radical democrats are quite definite in their comments: We are confident of success, they say.

[Ivashko] If you are talking about the law suit against communist people's deputies, what is unclear there? It is obvious that the president's decrees are unlawful, but the court must confirm that.

S. Shakhray, the president's representative in the Constitutional Court.

[Slavin] How do you view the decisions that the court might make?

[Shakhray] I am sure that the decisions will be fair and objective.

[Slavin] Your answer is very diplomatic but, nevertheless, what do you think the result of the trial will be?

[Shakhray] I represent the official side, and any comment I make could be used against us. However, we are confident of the legal validity of our position. We have the necessary evidence and documents. All the rest depends on the judges.

[Slavin] Could there be surprise rulings as far as your side is concerned?

[Shkahray] I do not rule that out.

V. Kuptsov, first secretary of the RSFSR Communist Party Central Committee.

[Slavin] What is your prediction of the trial outcome?

[Kuptsov] First, it is all pre-planned; second, there will also be surprises.

G. Starovoytova, Russian people's deputy.

[Starovoytova] It will be a long trial so it is too early to make predictions.

R. Kosolapov, secretary of the Russian Communist Workers Party Central Committee.

[Kosolapov] What will the result of the trial be? There are many unknown quantities. I sense a definite leaning toward the authorities here. My verdict is purely psychological based on the reports delivered by members of the court. For example, the pretext of the red terror with no explanation of the reasons or grounds for it—the white terror.

A. Kryuchkov, chairman of the Russian Party of Communists Central Executive Committee Political Council.

[Kryuchkov] I think that the court will not revoke B. Yeltsin's decrees and will recognize the petition of O. Rumyantsev and the deputies supporting him.

Yu. Slobodkin, Russian people's deputy ("Communists of Russia").

[Slobodkin] If the Constitutional Court is to save its prestige and authority in the people's eyes it will have to dismiss the Democratic Russia deputies' petition on verifying the unconstitutionality of the CPSU. But life in our country is so politicized and the anticommunist hysteria so great among certain strata of society and power structures that the Constitutional Court is hardly going to be thinking about its own authority and fate. It will adopt a decision which will destroy once and for all the Constitutional Court's authority as a supreme and independent judicial body in the country.

V. Zorkin, chairman of the Constitutional Court.

[Slavin] Do you personally feel any pressure from the press and various political forces?

[Zorkin] I do. In particular, in your rejoinder entitled "Seeking Experience in Germany. Why not Italy? Or France?" you pressured us when you claimed that we were going to the FRG for ready remedies.

[Slavin] The question marks were quite intentional.

[Zorkin] So that was pressure in the form of questions. We established there that the Constitutional Court does not have ready remedies for even a single case. Perhaps our answer will also correspond to that. But the point was to learn how to answer. It is no shame to learn from those who have experience of work in constitutional law. Therefore, I did not intend you to take offense at my words, my intention was that the fourth estate should support the third.

[Slavin] I am not in the least offended—this was a rejoinder, after all—but I have also written serious articles about the court, I think that they helped you.

[Zorkin] Yes, I remember.

[Slavin] I understand the difficult role that you find yourself in and the political pressure that you are experiencing.

[Zorkin] That is not entirely so, and your presence as a representative of PRAVDA in the courtroom is evidence of that.

[Slavin] Your mistakes are probably rare but you have made one here: PRAVDA staff were not allowed into the courtroom, whereas O. Latsis from IZVESTIYA, V. Selyunin, and others were. Despite the fact that I am an expert, I was forced to discuss the trial with Michael Davidow, a correspondent of a U.S. communist newspaper, outside in the corridor.

[Zorkin] I shall check this because by order of the chairman of the court both PRAVDA and SOVETSKAYA ROSSIYA were allowed into the courtroom.

[Slavin] If so then thank you, we will take advantage of that right.

[Zorkin] I think that watching on the TV monitors is good, too, but our aim was to ensure that different areas of the press were represented. Even Izyumov from GLASNOST, who said that Shakhray and Zorkin could be compared with Vyshinskiy and Ulrich.

[Slavin] Let us not draw comparisons with such odious figures as Vyshinskiy. I have a question: You mentioned the court's role in preventing a war between the reds and the whites: Could you explain your civic stance in this respect.

[Zorkin] So long as my comments are not interpreted with regard to the trial (I am prohibited from making such comments), I think that unless we achieve civil accord and unless we understand that all colors are the colors of Russia and Russians generally, one color will destroy the other. This means that we will cease to live under the sun because all colors exist under the sun so long as they keep within the Constitution.

[Slavin] Can I hope for an extended interview with you for PRAVDA when the trial is over?

[Zorkin] I have never refused an interview and I would consider it a personal honor.

CPSU Supporters Recall Party Achievements

924C1888B Moscow IZVESTIYA in Russian
9 Jul 92 Morning Edition p 3

[Article by Yuriy Feofanov, IZVESTIYA: "The 30th CPSU Congress in the Constitutional Court Hall"]

[Text] **After the Constitutional Court finished the procedural warm-up and established the standing rules, and judges V. Luchin and A. Kononov presented the briefs on the substance of the filed claims, the floor was given to the side that is challenging the president's decrees—the communists. It was then that I felt as if the clock had been turned back: In a moment, the Politburo led by Comrade L.I. Brezhnev will enter the hall; they will take their familiar place where the judges are sitting now by some misunderstanding; there will be a burst of prolonged applause, and....**

No, actually this mental image flashed in my mind when I sat listening to the program speech by V. Zorkaltsev, who represented the communist side in this litigation. Having begun in a rather subdued manner, "We are not fighting against the president of Russia; we are fighting for the purity of presidential power in the country," and having mentioned in passing the unlawful, from his point of view, decrees, the speaker moved on to political emotionalism, which, after everything we have learned about our dear party, seemed like hysterics:

"Think about it; they banned the largest party in the country! They banned the party that brought together a nation of millions and loyally served its interests!"

"They banned the party that aroused the people to heroic deeds in the Great Patriotic War and sacrificed the lives of 3 million communists for the victory!"

"In just one post-war five-year period the communists resurrected the country—and this party is now banned!"

"The country has become number one by production volume in Europe and second in the world..."

"The party was the initiator of the renewal of the society; it is the midwife of democracy in Russia.... No other party in the world has done anything like this for the people...."

What pathos! After this speech one feels that not only should the decree on the ban of the party be repealed—we must urgently restore Article Six of the Brezhnev's constitution and line up under the banners.

After the "program" speech, Professors V. Vishnyakov and S. Bogolyubov spoke within the framework of the law. Their colleague B. Kurashvili, however, who only recently won our admiration as a democratically thinking scholar, assumed a battle stance:

"What we have here is presidential arbitrariness and legal barbarism since the decrees are but one episode in the lawlessness of the entire current Russian authorities."

One was getting the impression that esteemed Boris Pavlovich wanted to inflame the situation.

"You are stepping outside the boundaries of elementary ethics," the chairman of the court advised; "please stick to the substance."

"All I did was put the decrees in the general anti-law context," the professor started to explain his attack on the legitimate authorities. Immediately he received reinforcement in the persona of People's Deputy D. Stepanov.

"Chairman of the court, you are interrupting the speaker, dictating to him what to say."

At this point, and then later, time and again Valeriy Zorkin had to explain to the communist side the rules of behavior in the courtroom, point out the articles of law that require that the chair conduct the session within the bounds of the standing rules. The chairman did it tactfully and gently—in fact, so gently that his colleagues-judges asked him to get tougher.

One can understand the sensitivity of the judge; under different circumstances, it should be welcomed. But not during court proceedings. After all, it is not accidental that the norms of judicial process proscribe the sides from questioning the judge, envisage etiquette standards of address, and require unquestioning subordination to the judge presiding over the trial—even if he is wrong; as to open verbal criticism of him, it is completely unthinkable. Here, however, one occasionally felt one were present at the party committee's bureau meeting, and one hears bellows from the witness, plaintiff, and respondent benches that resemble those that used to come from old presidiums.

Strict standing rules are necessary not for the sake of form, and not even for the purpose of maintaining the dignity of the judges—although the latter by itself constitutes a judicial value. This is not the main point, however. So much has been said and written to the effect that it would be impermissible to allow this process to be diverted from the legal dimension to a political one. In my personal opinion, the latter would not even be advantageous to the communist side. The president of Russia's decree makes a case for a legal discussion. Nevertheless, references to constitutional articles are made far less frequently than outbursts of political demagoguery. Despite the fact that the communist side has invited experienced attorneys to this hearing, I had thought that the "presidential side" would profit much more from redirecting the court into "politics." After all, they have a solid heap of documents that describe the CPSU activities. But no!

Deputy Stepanov, when he was officially given the floor, began by saying that his father, a village soviet chairman, had been arrested in 1940, and had died in the camps: "He had a score to settle with the communist party." Today, however, the son, with genuine pathos, defends this same party that had ruined his father.

Generally, it is a phenomenon of a kind—the communist conviction of the righteousness of the cause permeated by grief, tears, and blood. I can understand those party functionaries whom the democratization of the society and the August events had shaken out of their comfortable command chairs, which they used to grab for life and rule from them irresponsibly. They have lost much and now, in trying to turn back history, they are pursuing their mercenary—but at least understandable—goals. They are political businessmen who have lived through a bankruptcy. They smile and joke in the courtroom.

Deputy Stepanov seemed to me to be sincere in his speeches, in his defense of the cause of Lenin and Stalin. But beware of a god without morality, for it is an idol. In his sincerity, the speaker reaches the point of blasphemy: There are more people dying each year in auto accidents, he says, than there were from the repressions. I thought for a moment that I did not hear him right, especially considering that at that moment there was another remark from the judges' table. No, I did hear him right.

"I contend," the speaker continued, "that Lenin and Stalin restored the might of the country and saved the world from fascism, and the 1930's were not years of repression but years of prosperity. And that during the war the soldiers did not turn their weapons against the party, which is being accused of repressions: For the sake of the party the soldiers threw themselves under the tanks and against the parapets...."

From the mouths of other speakers we will hear the words that the party created a society that was fair to everyone, that the systems of health care and social security were the envy of the entire world—in short, everything that used to be required fare at party forums. The difference was that here, in this court, this was not being said from the rayon committee prompts! Spinosa made a brilliant observation once: "When Paul speaks of Peter, he speaks more of Paul than of Peter." In defending the party with such arguments, the speakers themselves were dealing it a forceful conviction, for we now know its horrible deeds.

After the speech by People's Deputy D. Stepanov, the court took a short recess, and when the hearing resumed it made an official statement: We will not allow a court hearing to be turned into a political rally. After this statement, Yu. Slobodkin, a well-known people's deputy and, by the way, also a people's judge, was given the floor. After a brief opening part he said:

"Hitler proclaimed communists his mortal enemies, and Yeltsin proclaimed communists his enemies...."

And so went the first day of the hearings in the Constitutional Court. By content, phraseology, and adherence to absurd ideals, it was the 30th Congress of the Communist Party of the Soviet Union. So far, no amount of effort has made it possible to turn the process in a strictly legal direction. Instead of calm appraisal, we hear thinly veiled threats: In October 1917 Communists numbered in the mere thousands; nevertheless, they took power and led the people...

Democrats Threaten To Expose Leading Communists

LD1007171692 Moscow ITAR-TASS in English 1653 GMT 10 Jul 92

[By ITAR-TASS]

[Text] Moscow July 10—Leaders of the Constitutional-Democratic Party threatened on Friday [10 July] to disclose the new places of work of all former Communist Party high-ranking officials.

To begin with, the Constitutional-Democrats made a public statement which denounces an official from a Russian Ministry who allegedly occupied a very high position in the CPSU Foreign Department.

However, it is not the only sin ascribed to him. The Constitutional Democrats said that on August 20, 1991, during the coup, the man demanded to expel from the Communist Party his colleague who had not supported the plotters.

Documents Reveal 'Criminal Nature' of CPSU

924C1924A Moscow IZVESTIYA in Russian 14 Jul 92 Morning Edition p 3

[Article by Yu. Feofanov, IZVESTIYA: "Managed Absurdity As the Foundation of Power: Notes From the Constitutional Court"]

[Text] **On the third and fourth day attendance in the Constitutional Court's press box dropped considerably—apparently interest in the hearings started to wane. These were the days, however, that brought to the forefront the CPSU's "Special File"—tens, hundreds, thousands of documents that laid open many of the secrets of Staraya Square, including secrets of the power of the organization whose legal fate is now being decided.**

Prior to this the positions of both sides were clearly delineated: the "communist" side maintained that the president's decrees were unlawful; as to the CPSU itself, it had brought the people only good, although there had been isolated mistakes. The "president's" side said that what has been banned is not a political party but a criminal association that took for itself the name of the CPSU. The intent of the hearings is for each side to provide a legal foundation for their position.

There is also the constant concern that the court hearing may turn into a political one. I personally believe these fears to be excessive. Besides, in essence it is the task of

the Constitutional Court—which does not hand down convictions and does not put anybody in jail—to resolve political and social conflicts via legal means.

With the publishing of the documents extracted from the CPSU's "Special File" the criminal nature of this organization has been revealed rather clearly. But does this mean that the CPSU was unconstitutional? After all, the party was mentioned in the Constitution; it was even afforded a special status. Should we then also consider the Constitution, unanimously adopted by the Supreme Soviet and enthusiastically approved by the entire nation, a fiction?

The "president's side" attempted to prove exactly that. To prove that the CPSU had never been a party in the legal sense of the word; that it had put together a Constitution that suited its own needs; as to the state, it did not simply subordinate it to itself—it dissolved it in itself. By the way, at one of the postrevolution congresses, then party leader G. Zinovyev actually proposed to call our state a "party state." The name was resolutely rejected; the idea was just as resolutely implemented.

There have been enough documents presented that prove the CPSU guilty of genocide, repression, embezzlement of public funds, lies, usurpation of power, and so on. The entire bloodied history from October 1917 to the August putsch of 1991 is confirmed by documents, since even the notorious Alfa were also created by decision of the Politburo—a document to that effect has been presented in court.

I was flabbergasted by the cynicism of the documents of a most, so to say, innocent nature, related to elections to the Supreme Soviet. At the time, by virtue of my job as IZVESTIYA editor in the soviets organizational development department, I was part of the low-end informational link of the socialist democracy's chain: my job was to prepare for print summary reports, preelection speeches, speeches by people's elected representatives at sessions, and so on. I will never forget a funny incident. We received instructions from the Central Committee: When cutting down the deputies speeches for publication, by all means leave in praise for Brezhnev, at least one paragraph. We were doing this as ordered. Suddenly, in an Estonian's speech—not a word about Brezhnev. What should we do? The top editors decided not to assume responsibility and called the propaganda and agitation department; the latter sent down the order: "wait, hold the newspaper." Apparently they were clearing it at higher levels. Finally an order came: Print it as is. Such a trifle of trifles. But what a commotion! Stupidity? Absurdity? Not really. Managed absurdity is the most reliable instrument of despotic power. The great principle of a criminal community: Nothing gets done without an order from the leader, not a single minor action without sanction from above.

Now this is being confirmed by documents. Attorney Makarov read out a Politburo decision regarding the elections to that very Supreme Soviet that soon adopted the Constitution. The elections were to take place on 16 June 1974. The Politburo meeting took place two days prior to that. Here is the document: **Excerpt From Protocol No. 140 of CPSU Central Committee Politburo Meeting 14 June 1974 On the procedure for publishing in the press Central Electoral Commission announcements on the progress of voting and results of the elections to the USSR Supreme Soviet. To accept the proposals of the Central Electoral Commission on this subject (ATTACHED). To consider it appropriate to broadcast the information on the progress of voting on the day of the elections—the status as of 1200 and 1800—on 16 June on the "Vremya" program and on the radio on the evening news (TEXT ATTACHED)**

This is followed by the aforementioned attachments to the protocol: What to broadcast on the day of elections on the "Vremya" program, and what to broadcast on the results of the election on 19 June. The attachment is quite lengthy; therefore, I will quote only the closing paragraph, written and approved by the Politburo on 14 June.

"The results of the elections to the USSR Supreme Soviet convincingly demonstrate the essence of the socialist democracy, the truly popular nature of the soviets. The unanimous election of the candidates of the bloc of party and nonparty members to the supreme organ of state power demonstrated again the monolithic unity and consolidation of the Soviet people around the Communist Party and its Leninist Central Committee, their resolve to selflessly struggle to bring to life the grandiose plans of building communism."

Not a single, I repeat, little detail has been left by the party authorities to the discretion of the state or the society. Who were to be the recipients of the deputy mandates had been secretly decided in advance in the offices on Staraya Square:

"In 1970 six deputies of Jewish and two deputies of German nationality were elected to the Supreme Soviet. We should also have representatives of these nationalities in the current elections."

I quote this not for the sake of showing the funny choices of issues with which the supreme leadership of the country burdened itself. This contains the answer to the question: What is the CPSU? What is it that the president has banned? A public organization or a criminal structure that crushed and appropriated everything: the country, the treasury, the nation as a whole, and every single living soul? So when the judge asked the attorney for the "president's side":

"But there were all the attributes of a party: voluntary joining, membership and membership dues, self-rule, and so on. Were there not?"

"Yes, there were all the attributes of a party. But that was all. As camouflage. Nineteen million "party members" had nothing to do with this monster other than paying membership dues. And also covering up for the authoritarian rule of the clique."

This is more or less what the attorney replied. This, I think, will be difficult to refute. For the forming of the CPSU structure took place along almost exactly the same design as the "elections" to the Supreme Soviet. The Academy of Sciences, the diplomatic corps, the General Staff, creative unions, delegations abroad, and Olympic teams—all were formed by a single scheme that did not recognize any exceptions and did not give freedom to anyone. No party meeting decided anything—everything was decided by the rigidly hierarchical apparatus of power, in which there was no membership, no membership dues, no self-rule, and, naturally, no voluntary joining.

Actually, the more sober heads in the "communist camp" do not hope for the restoration of the CPSU—they understand the irreversibility of time. Especially keeping in mind that the communist idea is not banned at all. The "president's side" actually insists on putting the latter in the Constitutional Court's decision—to emphasize that none of the Communist Party's 19 million members is responsible for its actions. At the same time, they insist on the legal ban of the CPSU and the Russian Communist Party. The assumption is that the reason for this is the issue of the party's property, the "CPSU gold." I do not think, however, that the crux of the matter is the property (it will not be returned anyway)—both sides understand this. Apparently there is something else.

The "president's side" has submitted to the court a number of documents which prove that even after the repeal of Article 6 of the USSR Constitution, and after the last legal 28th Congress, nothing changed in the CPSU rules or its program or methods of work. The essence of the organization, the banning of which is being demanded, is not in spreading the ideals of social justice but in that the CPSU is again using these ideals, which have an ultimate value in the eyes of the people, as a working tool in the struggle for its supremacy. If we correlate the ideals of communism with the Bible, the CPSU program is the Hammer for Witches [Mallcus Maleficarum].

The CPSU's "Special File" contains hundreds and thousands of documents, which are by themselves an indictment. It looks as though the "communist side" is ready to renounce them. But it is not capable of repentance. By its nature it is not capable of such. Had all the victims of the regime risen from the dead and shown up in the court room, the "communist side" would still say: Yes, there were isolated mistakes.

I heard this phrase in the courtroom after the reading of some of the documents from the "Special File"—"if the decrees had not been issued, they should have been." Nevertheless, it cannot be easy for the judges to decide on their future. One wants to hope that the esteemed judges will not engage in finding "letters of the law" to fit an already known "word." But they will have to set a legal precedent. This is very important, considering that we will have more than once to resolve political conflicts by legal means.

Deputy Rebuts CPSU Case on Party Role

PM1607121792 Moscow ROSSIYSKAYA GAZETA in Russian 15 Jul 92 First Edition p 1

[Interview with Russian People's Deputy Oleg Rumyantsev by Pavel Anokhin: "The 'Initiators of the Multiparty System' Loved Only the CPSU"; place and date not given]

[Text] Russian People's Deputy Oleg Rumyantsev, also a member of the Russian parliament Supreme Soviet, comments on the accuracy of certain arguments by the "communist side" at the Russian Federation Constitutional Court sessions.

[Anokhin] Oleg Germanovich, during the Constitutional Court sessions CPSU representatives have repeatedly said that their party was the initiator of the multiparty system in the country. Russian People's Deputy Zorkaltsev claims that the removal of Article 6 of the Union Constitution "On the leading and directing role of the CPSU" was the result of a Communist Party initiative.

[Rumyantsev] Down to the last word these claims are a masterpiece of artless cunning. In fact the CPSU was always unimaginative.

[Anokhin] Now let us be clear on this: Who actually raised the question and who voted for it?

[Rumyantsev] Originally it was discussed at the Second Congress of USSR People's Deputies in December 1989. During the approval of the Congress agenda deputy Marju Lauristin—now leader of the Estonian social democrats—submitted two proposals on adding to the agenda an item on amending Article 6, which was "badly out of date as far as our political system is concerned and is an obstacle to rapid change." The proposal was backed by the poet Yevtushenko and by Shchelkanov of Leningrad. The latter cited data which convincingly demonstrated that by December 1989 about three-fourths of Muscovites and Leningraders polled were in favor of the immediate removal of the notorious Article 6. But when not long before the Congress the USSR Supreme Soviet voted on bringing this question up at the Congress, the proposition failed by just three votes.

There was an individual vote at the Congress on whether the question should be examined or not. Some 868 deputies voted in favor of it and 1,194 voted against. The latter included deputies Gorbachev, Ivashko, Ligachev, Lukyanov, Dzasokhov, Nazarbayev, Medvedev, Nishanov, Ryzhkov, Razumovskiy, Shakhnazarov, Shcherbina, Yanayev, and many other top people in the CPSU. Some "initiators"! They returned to the question in March 1990 at the third congress of Union deputies.

[Anokhin] As I recall, the draft amendment to Articles 6 and 7 of the USSR Constitution was submitted as a legislative initiative by the CPSU Central Committee.

[Rumyantsev] Yes, it was a manifestation of amazing "principle"... Only three months after the question had been blocked at the previous all-Union forum the CPSU leadership displayed a desire to define "anew" its place in the Basic Law. But the show was a flop. First Deputy Kirillov (a social democrat, incidentally) drew attention to a sentence in Article 7: "All parties, when carrying out functions envisaged by their programs and statutes, operate within the framework of the Constitution and Soviet laws." But, wherever you look in the CPSU documents, it said that it was the leading force in Soviet society. Lukyanov switched off the deputy's microphone....

Then Deputy Lubenchenko questioned whether the beginning of Article 6 accorded with juridical logic. The version proposed by the CPSU Central Committee placed the name of this organization in first place—before the words about other public associations, which emphasized constitutionally the preservation of the CPSU's special role in society.

Finally, Deputy Akhunov suggested that people look to the future and drop the words "Communist Party," beginning the article with the words "all political parties"...

When this proposal was put to a vote, the amendment failed to muster two-thirds of the deputies' votes and so was not carried. Some 906 people voted against, including Vorotnikov, Gidaspov, Girenko, Gorbachev, Denisov, Ivashko, Ilin, Kapto, Kolbin, Kravchenko, Ligachev, Lizichev, Lukyanov, Lushchikov, Makashov, Manayenkov, Marchuk, Medvedev, Nazarbayev, Nishanov, Primakov, Pugo, Razumovskiy, Ryzhkov, Falin, Frolov, Chebrikov, Shalayev, Shakhnazarov, Yanayev, and others.

The party elite and its subordinates personally thwarted what was a real rather than cosmetic alteration of Article 6 of the USSR Constitution. Thereupon the congress adopted the text proposed by the CPSU Central Committee, effecting little change. I know many communists who finally decided, following this ploy, to abandon the hopeless task of transforming the basically unreformable Communist Party of the Soviet Union.

I think our conversation has illustrated rather well the "reliability" of the arguments used by the CPSU representatives in the Constitutional Court.